

Application Serial No. 10/629,208
Office Action Dated June 9, 2005
Examiner: K.E. Campbell
Art Unit: 3618

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 21, 22, and 24 are amended, and supported for instance at page 15, lines 23-25 and Figure 2 of Applicants' disclosure. No new matter has been added. Claims 1-24 are pending. Claims 11 and 16 have been withdrawn.

Claims 1-2, 5-7, 10, 12-13, 18-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (US 6,712,172) in view of Ito (US 4,721,178). Applicants respectfully traverse this rejection.

Claims 1, 21, and 24 are directed to a four-wheeled vehicle, where the front and rear wheels define a straight line at a level extending in a longitudinal direction through upper most points of the front and rear vehicles. The driver's seat is disposed at substantially the same level as the straight line, and the rear passenger seat is disposed at a higher level than the driver's seat. The claimed invention recited by claims 1, 21, and 24 provide such advantages as a lowered center of gravity with the seats being proximate the level of the uppermost point of the front and rear wheels. The claimed invention provides ease of getting on and off the vehicle. (Page 2, paragraphs [0007] and [0008].)

Inagaki et al. and Ito do not teach or suggest the features required by claims 1, 21, and 24. In particular, neither cited reference discloses nor suggests having a driver's seat disposed at substantially the same level as the straight line, and a rear passenger seat disposed at a higher level than the driver's seat. Inagaki et al. discloses a vehicle having a seat 6 clearly disposed at a level higher than the front and rear wheels 2, 3. In fact, Inagaki et al. does not show its seat 6 in a position substantially the same level as uppermost points of the front and rear wheels. Thus, Inagaki et al. fails to teach or suggest the seat configuration as required by claims 1, 21, and 24.

Ito does not provide what is missing from Inagaki et al. Ito provides a motorcycle or scooter with a seat 3. (Figures 1 and 2.) The seat of Ito, however, includes a driver seat 3 and rear rider seat 3d that are disposed at a level higher than uppermost points of the front and rear wheels. (Figures 1 and 2.) Ito does not show or disclose a seat configuration as required by the claimed invention, namely where the driver's seat is disposed at substantially the same level as the uppermost points of the front and rear wheels, and where the rear passenger seat is disposed at a higher level than the driver's seat. Thus, Ito fails to remedy the deficiencies of Inagaki et al. For

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the foregoing reasons, Applicants respectfully submit that claims 1, 21, and 24 and dependent claims therefrom are allowable over Inagaki et al. and Ito, either alone or in combination.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (above) in view of Ito (above) as applied to claim 1, and further in view of Uphaus (US 5,984,356). Applicants respectfully traverse this rejection.

Inagaki et al. and Ito have been discussed above. Claim 1 has been distinguished from Inagaki et al. and Ito as noted above. Thus, claims 3 and 4 are allowable over Inagaki et al. and Ito for at least the same reasons as claim 1. Uphaus does not remedy the deficiencies of Inagaki et al. and Ito. Therefore, Applicants respectfully submit that claims 3 and 4 are allowable over the cited references. Applicants do not concede the correctness of the rejection, and reserve the right to present additional arguments with respect to any of claims 3 and 4 at a later date.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (above) in view of Ito (above) as applied to claim 1, and further in view of Winchell et al (US 4,437,535). Applicants respectfully traverse this rejection.

Inagaki et al. and Ito have been discussed above. Claim 1 has been distinguished from Inagaki et al. and Ito as noted above. Thus, claim 8 is allowable over Inagaki et al. and Ito for at least the same reasons as claim 1. Winchell et al. does not remedy the deficiencies of Inagaki et al. and Ito. Therefore, Applicants respectfully submit that claim 8 is allowable over the cited references. Applicants do not concede the correctness of the rejection, and reserve the right to present additional arguments with respect to claim 8 at a later date.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (US above) in view of Ito (above) as applied to claim 1, and further in view of Rioux et al (US 6,296,073). Applicants respectfully traverse this rejection.

Inagaki et al. and Ito have been discussed above. Claim 1 has been distinguished from Inagaki et al. and Ito as noted above. Thus, claim 9 is allowable over Inagaki et al. and Ito for at least the same reasons as claim 1. Rioux et al. does not remedy the deficiencies of Inagaki et al. and Ito. Therefore, Applicants respectfully submit that claim 9 is allowable over the cited

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references. Applicants do not concede the correctness of the rejection, and reserve the right to present additional arguments with respect to claim 9 at a later date.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (above) in view of Ito (above) as applied to claim 1, and further in view of Mabie (US 4,466,660). Applicants respectfully traverse this rejection.

Inagaki et al. and Ito have been discussed above. Claim 1 has been distinguished from Inagaki et al. and Ito as noted above. Thus, claims 14-15 and 17 are allowable over Inagaki et al. and Ito for at least the same reasons as claim 1. Mabie does not remedy the deficiencies of Inagaki et al. and Ito. Therefore, Applicants respectfully submit that claims 14-15 and 17 are allowable over the cited references. Applicants do not concede the correctness of the rejection, and reserve the right to present additional arguments with respect to any of claims 14-15 and 17 at a later date.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki et al (above) in view of Ito (above) and Mabie (US 4,466,660) as applied above, and further in view of Kurata (US 4,606,429). Applicants respectfully traverse this rejection.

As noted in claims 1, 21, and 24, claim 22 is directed to a four-wheeled vehicle, where the front and rear wheels define a straight line at a level extending in a longitudinal direction through upper most points of the front and rear vehicles. The driver's seat is disposed at substantially the same level as the straight line, and the rear passenger seat is disposed at a higher level than the driver's seat. The claimed invention recited by claim 22 provides advantages of a vehicle with a lowered center of gravity, such as when riders are on the vehicle, where the seat is disposed proximate the level of the uppermost point of the front and rear wheels. Further, the claimed invention provides ease of getting on and off the vehicle. (Page 2, paragraphs [0007] and [0008].)

Inagaki et al. and Ito have been discussed above. As noted, Inagaki et al. and Ito do not disclose or suggest a four-wheeled vehicle including a driver's seat disposed at substantially the same level as the straight line, and a rear passenger seat disposed at a higher level than the driver's seat.

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Mabie does not further the combination of Inagaki et al. and Ito. Mabie is directed to a motorcycle backrest and provides a tandem seat 25 including a rear seat 27. (Figure 1 and Col. 2, lines 20-24.) Mabie, however, does not teach or suggest a driver's seat that is disposed at substantially the same level as the straight line, and a rear passenger seat that is disposed at a higher level than the driver's seat. In fact, the cited reference provides a tandem seat 25 disposed above the wheels 22, 23 (see Figure 1). Thus, Mabie does not remedy the deficiencies of Inagaki et al. and Ito.

Moreover, Kurata does not provide what is missing from Inagaki et al, Ito, and Mabie. Kurata discloses a three-wheeled vehicle with front and rear seats 14, 15 that are mounted on the upper side of the frame F. (Col. 4, lines 58-65 and Figure 3.) However, Kurata does not teach or suggest a four-wheeled vehicle including a driver's seat disposed at substantially the same level as a straight line, as a straight line defined at uppermost points of the front and rear wheels; and a rear passenger seat disposed at a higher level than the driver's seat. In fact, Kurata provides its seats at a position lower than uppermost points the front and rear wheels. While Kurata may further lower a center of gravity for the vehicle, Kurata does not provide a vehicle that may be mounted/dismounted with ease and that provides sound protection for a rider. Thus, as Kurata does not disclose the features of claim 22, the cited reference does not remedy the deficiencies of Inagaki et al, Ito, and Mabie. For the foregoing reasons, Applicants respectfully submit that claim 22 and dependent claim 23 are allowable over Inagaki et al., Ito, Mabie, and Kurata either alone or in any combination.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

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In view of the above, Applicants believe that the pending claims are allowable. Favorable reconsideration in the form of a Notice of Allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney.

Respectfully Submitted,

Dated: September 8, 2005



A handwritten signature in dark ink, appearing to read "Curtis B. Hamre". The signature is fluid and cursive, written over a horizontal line.

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